

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-CR-20748
HON. GEORGE CARAM STEEH

LEWIS KEVIN BELL,

Defendant.

**ORDER STAYING LITIGATION PENDING
SUPREME COURT'S DECISION IN *BECKLES V. UNITED STATES***

On June 23, 2016, Defendant Lewis Kevin Bell filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. Defendant's motion asserts that the Supreme Court's holding in *Johnson v. United States*, 135 S. Ct. 2551 (2015), invalidating the Armed Career Criminal Act's "residual clause," also invalidates a similar provision in the United States Sentencing Guidelines. Defendant requests that the Court vacate his sentence and resentence him without the allegedly invalid enhancement. Although defendant is represented by the Federal Defender's Office, he has contacted the court in writing on his own behalf inquiring on the status of his § 2255 motion. The Supreme Court is expected to address the issues raised here in the case of *Beckles v. United States*, 136 S. Ct. 2510 (2016) (granting petition for certiorari). The Sixth

Circuit has instructed district courts to stay matters like this until the Supreme Court renders its decision in *Beckles*. *In re: Alford D. Embry*, 831 F.3d 377, 382 (6th Cir. 2016).

Based on clear guidance from the Sixth Circuit, this matter will be stayed pending the Supreme Court's decision in *Beckles v. United States*. Upon the issuance of the Supreme Court's decision in *Beckles*, the government is ORDERED TO RESPOND IN WRITING to defendant's § 2255 motion within 60 days.

IT IS SO ORDERED.

Dated: March 1, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 1, 2017, by electronic and/or ordinary mail and also on Lewis Bell #46493-039, Federal Correctional Institution McKean, P.O. Box 8000, Bradford, PA 16701.

s/Marcia Beauchemin
Deputy Clerk